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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.1086 OF 2006**
**WITH**
**INCOME TAX APPEAL (LOD) NO.379 OF 2006**

The Commissioner of Income Tax ..Appellant.

V/s.

Nilkamal Plastics Ltd. ..Respondent.

Mr.A.S. Rao for appellant.

Mr.Sameer G. Dalal for respondent.

**CORAM : F.I.REBELLO AND**
**J.P.DEVADHAR, JJ.**

**DATED : 1ST OCTOBER, 2007.**

**P.C. :-**

There is a delay of 487 days in preferring the appeal. There is an affidavit filed by V.A.Shinde in support of the Motion. The I.T.A.T. order was received on 13/7/2004. The C.I.T. approval was received on 8/11/2004. The file was handed over to Panel Counsel on 9/11/2004. The draft memo of appeal was received on 1/12/2005 and the appeal was filed on 10/3/2006. There is is no explanation whatsoever for the delay between 9/11/2004 to 1/12/2005. Considering the cause shown, in our opinion, the same would not amount to sufficient cause. Hence Motion is dismissed.

**(J.P.DEVADHAR, J.)** **(F.I.REBELL0, J.)**